

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Bobby C. Jenkins,)	
)	
Plaintiff,)	No. 5:14-cv-2711-RMG
)	
vs.)	
)	
Dr. McRee; Dr. Lewis; RN Harper; NP)	
Enloe; Terry L. Andrews; Nurse Admin II;)	
Sam Soltis; Maria Leggins; and Janice)	ORDER
Phillips,)	
)	
Defendants.)	
)	

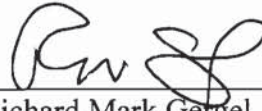
This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge (Dkt. No. 137), recommending that the Defendants’ motion for summary judgment (Dkt. No. 113) be granted regarding Plaintiff’s federal claims, the Court decline to exercise supplemental jurisdiction over the state law claims, and this case be dismissed. Plaintiff was advised of his right to file objections to the R & R and a failure to file timely objections would result in limited review by the District Court and waiver of the right to appeal the judgment of the District Court. (Dkt. No. 137-1). Plaintiff filed no timely objection to the R & R.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court is charged with making a de novo determination of those

portions of the R & R or specified proposed findings or recommendations to which objection is made. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C. § 636(b)(1)); accord Fed. R. Civ. P. 72(b). However, as to portions of the R & R to which no objection is made, this Court “must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P 72 advisory committee note). Additionally, the Court need not give any explanation for adopting the R & R in the absence of specific objections by the parties. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983) (“Absent objection, we do not believe that any explanation need be given for adopting the report.”).

The Court has reviewed the Complaint in this matter, the R & R of the Magistrate Judge, the record evidence, and the relevant case law. The Magistrate Judge ably and thoroughly addressed the factual and legal issues in this matter and correctly concluded that Defendants were entitled to summary judgment as a matter of law on Plaintiff’s claims arising under the Eighth Amendment and 42 U.S.C. § 1983. The Court further finds that the Magistrate Judge correctly concluded that Defendants were entitled to qualified immunity under these circumstances and that Defendants were also entitled to dismissal of any claims asserted against them in their official capacities under the Eleventh Amendment. The Court also concurs in the recommendation that this Court should not exercise its supplemental jurisdiction over the Plaintiff’s state law claims. Therefore, the Court **ADOPTS** the R & R of the Magistrate Judge (Dkt. No. 137) as the order of the Court, **GRANTS** Defendants motion for summary judgment (Dkt. No. 113) and **DISMISSES** this action.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Judge

November 18, 2015
Charleston, South Carolina